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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-204612

DATE: September 22, 1981

MATTER OF: Faber Enterprises, Inc.

DIGEST:

Protest filed in GAO more than 10 working days after protester says it obtained information upon which the protest against the award made to another bidder is based is untimely under the Bid Protest Procedures.

By letter of August 28, 1981, received in our Office on September 3, Faber Enterprises, Inc. (Faber), protests the award of a contract made to another bidder under invitation for bids (IFB) DLA700-81-B-1627 issued by the Defense Construction Supply Center.

Faber states that the protest is based on information in a copy of the bid abstract that it received on August 10, 1981, which was after the award date.

The protest is untimely. Section 21.2(b)(2), of our Bid Protest Procedures, 4 C.F.R. § 21.1(b)(2) (1981), requires that a protest be received in our Office not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. However, both the date of the protest letter and the date of the receipt of the letter are more than 10 working days after Faber received the abstract of bids.

Therefore, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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